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MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of: :
Charles R. Slater : ON PETITION
Application No. 09/484247 :
Filing or 371(c) Date: 01/18/2000 :
Atty. Docket No.: :
6530.0008-03 :
:

This letter is in response to the "PETITION FOR PATENT TERM ADJUSTMENT DUE TO EXAMINATION DELAY UNDER 37 C.F.R. § 1.181," filed July 26, 2011. Applicants submit that the correct patent term adjustment should be 141 days, not 79 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction based upon an assertion that the Office erred in calculating an adjustment of 79 days pursuant to 37 CFR 1.702(c).

The Office notes that the decision of August 15, 2011, treated the present petition under 37 CFR 1.705(b). However, the present application was filed on January 18, 2000. The applicable rule, 37 CFR § 1.701, Extension of patent term due to examination delay under the Uruguay Round Agreements Act, applies to original applications, other than designs, filed on or after June 8, 1995, and before May 29, 2000. The present petition, therefore, is appropriately addressed pursuant to 37 CFR 1.701.

Accordingly, the decision of August 15, 2011, is vacated.

The application file is being referred to the Office of Patent Legal Administration for a Decision on the petition for patent term extension.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

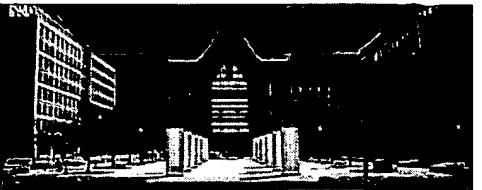
/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations



**Patent
Term
Adjustments**



[PTA/PTE Information](#) [Patent Term Adjustment](#) [Patent Term Extension](#)

Application Number*: **09484247** [Search](#) [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTE Calculations for Application: 09484247

Application Filing Date	01/18/2000	OverLapping Days Between (A and B) or (A and C):	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	79
A Delays	0	PTO Manual Adjustment:	0
B Delays	0	Applicant Delay (APPL):	0
C Delays	0	Total PTE (days):	79

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
65	08/29/2011		P028	Adjustment of PTA Calculation by PTO		62	0
63	08/15/2011		P025	Record a Petition Decision of Granted for Patent Term Adjustment after Allowance		0	0
62	08/12/2011		P028	Adjustment of PTA Calculation by PTO	62	0	0
59	07/13/2011		MN/=. Mail Notice of Allowance		0	0	0
58	07/12/2011		OAR Office Action Review		0	0	0
56	07/12/2011		DVER Document Verification		0	0	0
55	07/12/2011		N/=. Notice of Allowance Data Verification Completed		0	0	0
57	07/11/2011		IREV Issue Revision Completed		0	0	0
54	07/11/2011		CNTA Allowability Notice		0	0	0
46	06/30/2011		ABN9 Disposal for a RCE / CPA / R129		0	0	0
49	06/24/2011		IDSC Information Disclosure Statement considered		0	0	0
48	06/24/2011		M844 Information Disclosure Statement (IDS) Filed		0	0	0
47	06/24/2011		RCEX Request for Continued Examination (RCE)		0	0	0
45	06/24/2011		DRWF Workflow - Drawings Finished		0	0	0
44	06/24/2011		WIDS Information Disclosure Statement (IDS) Filed		0	0	0
43	06/24/2011		BRCE Workflow - Request for RCE - Begin		0	0	0
42	04/26/2011		FIDC Finished Initial Data Capture		0	0	0
41	04/21/2011		TCPB Printer Rush- No mailing		0	0	0
40	04/19/2011		PUBTC Pub Case Remand to TC		0	0	0
39	04/12/2011		EIDC Export to Initial Data Capture		0	0	0
38	04/07/2011		MEX.A Mail Examiner's Amendment		0	0	0
37	04/07/2011		MN/=. Mail Notice of Allowance		0	0	0
36	04/06/2011		IREV Issue Revision Completed		0	0	0
35	04/06/2011		DVER Document Verification		0	0	0
34	04/06/2011		N/=. Notice of Allowance Data Verification Completed		0	0	0
33	04/06/2011		EX.A Examiner's Amendment Communication		0	0	0
32	04/06/2011		CNTA Allowability Notice		0	0	0
28	03/23/2011		IDTC Interference dispatch to TC		0	0	0
27	12/09/2010	09/21/2010	MID/F Mail Interference Decision - Favorable		0	0	0
26	12/08/2010	09/21/2010	ID/F Interference Decision on Priority - Favorable		79	25	25
25	09/21/2010		I.D. Declaration of Interference		0	0	0
23	08/30/2010		CTID Interference Initial Memo Disposal		0	0	0
22	04/09/2003		FWDX Date Forwarded to Examiner		0	0	0
21	04/09/2003		EOSP to Close the A/R Record and Reset the Status for Expired Suspensions.		0	0	0
20	10/08/2002		ML.SP Mail Letter of Suspension		0	0	0
19	10/07/2002		L.SP Suspension - Examiner Initiated		0	0	0
17	12/28/2001		FWDX Date Forwarded to Examiner		0	0	0
16	12/26/2001		A... Response after Non-Final Action		0	0	0
15	12/18/2001		2092 FAOM Flag Change		0	0	0
14	12/01/2001		MCTMS Mail Miscellaneous Communication to Applicant		0	0	0
13	11/19/2001		CTMS Miscellaneous Action with SSP		0	0	0
12	09/18/2001		EXIN Examiner Interview Summary Record (PTOL - 413)		0	0	0
0	06/12/2001		DUMMY Dummy Standard Action - DO NOT DELETE		0	0	0
9	09/16/2000		DOCK Case Docketed to Examiner in GAU		0	0	0
8	07/19/2000		OIPE Application Dispatched from OIPE		0	0	0
7	07/18/2000		COMP Application Is Now Complete		0	0	0
6	07/18/2000		C.AD Correspondence Address Change		0	0	0
18	07/11/2000		FLFEE Payment of additional filing fee/Preexam		0	0	0
5	03/03/2000		INCD Notice Mailed--Application Incomplete--Filing Date Assigned		0	0	0
4	03/03/2000		C.AD Correspondence Address Change		0	0	0
3	02/17/2000		SCAN IFW Scan & PACR Auto Security Review		0	0	0
2	02/17/2000		GOSO Preexamination Location Change		0	0	0
1	01/21/2000		IEXX Initial Exam Team nn		0	0	0
11	01/18/2000		A.PE Preliminary Amendment		0	0	0
10	01/18/2000		A.PE Preliminary Amendment		0	0	0

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